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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,303	11/22/2000	Michelle Q. Wang Baldonado	001508-3160	8448

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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,303

Applicant(s)

WANG BALDONADO ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to communication filed on 8/02/04 in which claims 1-38 are pending. Applicant's argument has been considered and a new ground of rejection is provided below.
2. Applicant argues that the U.S. Patent No. 6,480,885 to Olivier fails to teach "an information monitoring device that monitors one or more electronic documents in an information stream, and compares information about the one or more electronic documents to at least one rule". Therefore, a new ground of rejection was introduced in order to teach the above limitation. U.S. Patent No. 6,606,644 to Ford et al a system and technique for dynamic information gathering and targeted advertising in a web based model using a live information selection and analysis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,606,644 to Ford et al in view of U.S. Patent No. 6,651,086 to Manber et al.

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a. As per claims 1,9,17 and 26, Ford et al teaches an information stream monitoring system comprising: an information monitoring device that monitors one or more electronic documents in an information stream, and compares information about the one or more electronic documents to at least one rule (See col. 3, lines 60-65, Remark: Ford teaches wherein the real time communication is monitored and a key word to be detected during the real-time communication is identified and to analyze); However, Ford et al fails to teach a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users.

Manber et al teaches a system and method for matching participants to a conversation. Furthermore, Manber et al teaches a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users (See col. 4, lines 10-66 Remark: Manber et al teaches a methodology for dynamically connecting to or more users having mutual interests to conversation).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a forum spawning device that queries a set of users when at least one of the at least one rules is satisfied and creates a new forum based on one or more replies from the set of users as taught by Manber et al in the claimed invention of Ford et al in order to dynamically create a conversation with other users (See col. 1, lines 43-45).

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b. As per claims 2, 10 and 18, Ford teaches the claimed invention as described above. However, Ford et al fails to teach an invitation determining device that determines the set of users queried by the forum spawning device based on the one or more electronic documents.

Manber et al teaches an invitation determining device that determines the set of users queried by the forum spawning device based on the one or more electronic documents (See col. 4, lines 10-66).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an invitation determining device that determines the set of users queried by the forum spawning device based on the one or more electronic documents as taught by Manber et al in order to dynamically create a conversation with other users (See col. 1, lines 43-45).

c. As per claims 4, 12 and 20, Ford et teaches the claimed invention as described above. However, Ford teaches a subscriber determining device that determines a set of subscribers based on the one or more electronic documents that satisfy at least one rule.

Manber et al teaches a subscriber determining device that determines a set of subscribers based on the one or more electronic documents that satisfy at least one rule (See col. 4, lines 10-66).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a subscriber determining device that determines a set of subscribers based on the one or more electronic documents that satisfy at least one rule

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as taught by Manber et al in the claimed invention of Ford et al in order to dynamically create a conversation with other users (See col. 1, lines 43-45).

d. As per claims 5, 13 and 21, Ford teaches a subscriber maintenance device that associates at least one user and the new forum (See col. 6, lines 19-25).

e. As per claims 6, 14 and 22, Ford teaches the claimed invention as described above. Furthermore, Ford teaches an electronic document storage device that stores the one or more electronic documents (See col. 10, lines 10-18).

f. As per claims 7, 15 and 23, Ford teaches wherein the one or more electronic documents is at least one of- an electronic message; an e-mail-, a bulletin board posting; and an annotation to a shared document (See col. 5, lines 3-10)).

g. As per claims 8, 16 and 24, Ford teaches wherein an information comparison is based on at least one of a rule-based model and a statistical-based model (col. 9, lines 39-47).

h. As per claim 25, Ford teaches the information storage media wherein an information comparison compares at least one of subject information; electronic document posting information; and electronic document tracking information (See col. 9, lines 50-54).

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i. As per claims 3, 11, and 19, Ford teaches the claimed invention as described above. However, Olivier et al fails to teach wherein the forum spawning device queries the set of users to determine the need for the new forum.

Manber et al teaches a system and method for matching participants to a conversation. Furthermore, Manber et al teaches wherein the forum spawning device queries the set of users to determine the need for the new forum (See col. 2, lines 20-30).

I would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the forum spawning device queries the set of users to determine the need for the new forum as taught by Manber et al in the claimed invention of Olivier et al in order to connect to or more individuals to a forum based on their mutual interests (See col. 1, lines 44-48).

j. As per claim 27, 28, 29 and 30, Ford teaches wherein the information stream is an electronic forum and wherein the one or more electronic documents are one or more electronic messages (See col. 5, lines 3-10).

k. As per claim 31, 32, 33 and 34, Ford teaches wherein the information stream is an electronic forum comprising one or more electronic messages flowing between two or more of the users (See col. 5, lines 3-10).

5. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,606,644 to Ford et al in view of U.S. Patent No. 6,651,086 to Manber et al

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as applied to claims 1, 9, 17 and 26 above, and further in view of U.S. Patent Application No. 2002/0059164 to Shtivelman.

a. As per claims 35-38, Ford in view of Manber teaches the claimed invention as described above. However, Ford in view of Manber teaches wherein the at least one rule comprises at least one of the following: how long the current discussion forum has been in use; how many messages have been exchanged on the forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of messages on a particular topic been received within a predetermined time period; whether the rate of messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged messages on a particular topic within a predetermined time period.

Shtivelman teaches whether a certain number of forum members exchanged messages on a particular topic within a predetermined time period (See page 5, paragraph [0052]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate whether a certain number of forum members exchanged messages on a particular topic within a predetermined time period as taught by Shtivelman in order to calculate new message load/responses parameters (See page 5, paragraph [0052]).

Conclusion

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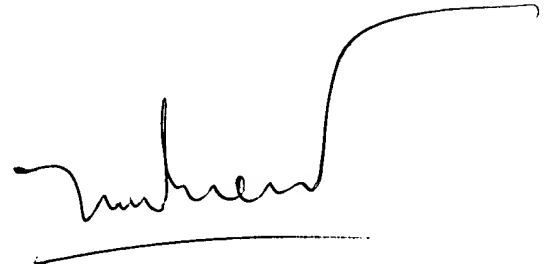
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Djenane Bayard

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a long horizontal line extending to the right.

LE HIEN LUU
PRIMARY EXAMINER